



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to establish the California
Institute for Climate Solutions.

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**REPLY COMMENTS OF THE GREENLINING INSTITUTE
ON THE ORDER INSTITUTING RULEMAKING TO CONSIDER ESTABLISHING
CALIFORNIA INSTITUTE FOR CLIMATE SOLUTIONS**

ROBERT GNAIZDA
SAMUEL KANG
The Greenlining Institute
1918 University Ave. 2nd Floor
Berkeley, CA 94704
Telephone: 510.926.4020
Fax: 510.926.4010
samuelk@greenlining.org

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to establish the California
Institute for Climate Solutions.

Rulemaking 07-09-008
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**REPLY COMMENTS OF THE GREENLINING INSTITUTE
ON THE ORDER INSTITUTING RULEMAKING TO CONSIDER ESTABLISHING
CALIFORNIA INSTITUTE FOR CLIMATE SOLUTIONS**

I. INTRODUCTION

The Greenlining Institute (Greenlining) offers the following Reply Comments on the Public Utilities Commission's Order Instituting Rulemaking to Consider Establishing the California Institute for Climate Solutions (CICS).

A. University of California Proposal Must Overcome Myriad of Problems

Greenlining believes this Commission has made California a national leader in addressing global warming and climate change. This proceeding is only another example of how the CPUC is continuing its national leadership over these vital issues. As Greenlining emphasized in its Opening Comments, CICS could fulfill the opportunities that were first presented by the California Solar Initiative (CSI). However, the opportunities and well-intentioned objectives presented by the University of California's (UC) proposal are fraught with too many problems in its present form to effectively utilize this Commission's leadership. More specifically, UC's failure to create an inclusive proposal that benefits all Californians, which is reflective of UC's system-wide failure to represent the diversity of California, is antithetical to this Commission's leadership to meet the needs of the underserved.

The myriad of problems presented by UC's proposal reaped the adamant opposition of the Division of Ratepayer Advocates (DRA), The Utility Reform Network (TURN) and the Consumer Federation of California, as well as the apparent opposition of all the utility

companies participating in this proceeding. Despite the widespread opposition to CICS, Greenlining tentatively reserves its rejection of CICS. Greenlining believes that CICS has the potential to become a worthwhile venture if the entity ultimately selected to administer the institute exhibits the commitment to and capacity for meeting the needs of California's diverse communities, exemplified by California State University (CSU).

B. California State University's Leadership in Diversity Can Serve as a Model for CICS

As the Commission emphasized, CICS is aimed at benefiting *all* Californians. Incumbent upon this mission is leadership that can demonstrate both the commitment and success of reaching out to California's many diverse communities. For example, a majority of CSU's student body are students of color, many of whom are the first in their families to attend college.¹ CSU also demonstrates that it has institutionalized its outreach throughout its system because the CSU system churns out an astounding 60 percent of the state's teachers and 1 out of every 10 teachers nationwide.² An institution such as CSU is poised to influence and educate the next generation of California conservationists and environmentalists, and thus exemplifies the type of values and leadership that is befitting of a program aimed at impacting all of California's diverse communities.

C. Embracing Unique Focus on Underserved Will Allow CICS to Avoid Duplication and Overlap

Thus far, the so-called "Green Revolution" has failed to live up to its billing because environmentalism has largely been dominated by a narrow focus on the conservationist desires of the elite. In order to meaningfully impact the effects of global warming and climate change,

¹ Opening Comments of the California State University on the Order Instituting Rulemaking to Consider Establishing the California Institute for Climate Solutions, November 2, 2007 at 3.

² *Id.* at 4.

environmentalism must become a *movement* for positive social change. Such a movement cannot be fashioned without garnering the universal appeal of all California communities. In other words, this Commission must make environmentalism relevant to California's poor, urban and underserved communities in order to spark wide-scale participation in the "Green Revolution." Presently, as demonstrated by the UC proposal, there are few meaningful opportunities that even consider the impact of global warming on underserved communities, let alone afford members of these communities the chance to contribute to the solution. By amalgamating this Commission's dual commitments to diversity and environmentalism, CICS has the potential to become the unique vehicle for a true revolution.

As is, the current UC proposal threatens to waste \$600 million in ratepayer funds to establish an unexceptional entity that will surely duplicate and overlap with the work of dozens of other environmental and climate change institutes already in existence in this state. If this Commission does decide to go forward in establishing a redundant state institution, it should not burden California's ratepayers to do so. Rather, this Commission should look towards obtaining private funds or public funds secured through legislation, as suggested by DRA, TURN and the Consumer Federation of California. If private funds or legislation cannot be secured, funding to establish an unimaginative and unremarkable CICS should largely be borne by the shareholders of the investor owned utility companies (IOU).

D. Hearings are Necessary to Ensure CICS Benefits All Californians

Greenlining urges that before ratepayers are burdened with paying for an unremarkable CICS that only serves to perpetuate the exclusion of California's underserved communities, this Commission should hold public hearings on the matter. Since CICS is aimed at benefiting all Californians, this Commission would benefit from hearings that seek to garner the opinions and support of California's citizens. Greenlining thus advises that at least two hearings be held at

each of the service areas of the three major utility companies – Pacific Gas & Electric (PG&E), Southern California Edison (SCE), and San Diego Gas & Electric (SDG&E). If such hearings were called, Greenlining will be prepared to aid this Commission in giving notice to the public.

As stated in its Opening Comments, Greenlining also emphasizes that evidentiary hearings are necessary in this proceeding to examine the leadership responsibilities of UC and its commitment to diversity in order to assess the fitness of UC to lead an entity designed to benefit all Californians.

II. UC SYSTEM'S LACK OF DIVERSITY MAKES IT WHOLLY UNPREPARED TO LEAD CICS

This Commission, unlike too many federal regulatory agencies, has been a leader in addressing global warming and energy conservation. However, throughout the California Solar Initiative (CSI) proceeding,³ Greenlining continually urged this Commission to meaningfully include the needs of California's underserved and low-income communities so that *every* Californian would have the opportunity to benefit from this groundbreaking initiative. Despite Greenlining's urging to make CSI a democraticizing vehicle for energy efficiency, CSI continues to exclude the 70 percent of Californians who live paycheck-to-paycheck from participating and benefiting from the solar revolution. CSI not only represents a missed opportunity for California's underserved communities; it also functions as a tax imposed on low-income ratepayers to subsidize the solar panels of California's wealthiest one percent. Although CSI's promise remains unfulfilled, this Commission now has a second opportunity to realize the opportunities that CSI created.

Like CSI, this proceeding seeks to make the CPUC a national leader in the green revolution by devising a "detailed final decision that is specifically tailored to best meet

³ R.06-03-004

ratepayer needs.”⁴ This proceeding envisions implementing the proposal submitted by the University of California (UC) to establish the California Institute for Climate Solutions, which would develop “ways that will provide benefits to *all* Californians.”(emphasis added)⁵ In order for the CPUC to lead California, this Commission must ensure that the CICS be capable of addressing the needs of California’s diverse populace. CICS must therefore be established and directed by an entity that is committed to representing and serving California’s diverse constituency. Unfortunately, UC and the UC system presently fail to meet these criteria.

A. Underserved Communities is an Afterthought in UC Proposal

UC’s proposal makes scant mention of underserved communities in its proposal.⁶ Consequently, how underserved communities will be included seems to be expressed as an afterthought the few times this constituency is mentioned in this proposal. For example, Greenlining acknowledges the proposal’s attempt to at least recognize that there should be a focus on the impact of climate change on marginalized communities.⁷ However, the proposal seems to discount the role of these marginalized communities when it asserts that “outreach to all communities, and impacts on natural resources must be minimized.”⁸

The opening comments of the California Institute of Technology (Cal Tech) and the University of Southern California (USC), both of which are prominent research institutions, express “strong concerns” as to the inclusiveness, or lack thereof, of UC’s proposal.⁹ While USC proposes to “include incentives for incorporation of community outreach programs, and

⁴ OIR at 2.

⁵ *Id.*

⁶ OIR Appendix.

⁷ *Id.* at 17.

⁸ *Id.*

⁹ Comments of the University of Southern California (USC) on the Order Instituting Rulemaking to Consider Establishing the California Institute for Climate Solutions, November 2, 2007 at 2.

include topics addressing issues in diverse communities,” the school is afraid that UC’s proposal is advocating for a CICS with closed administrative processes that would undoubtedly jeopardize CICS’ ability to outreach to diverse communities.¹⁰ Similarly, Cal Tech criticized the UC proposal as being “too exclusive to take full advantage of all of the State’s public and independent research, education, and training assets.”¹¹ Cal Tech urged this Commission to revise the UC proposal so that it allows for a broader representation that is more inclusive of California’s diverse stakeholders.¹² In its present form, the proposal is designed as an obstruction against full and fair participation by all Californians.

B. No African-Americans or Latinos Granted Tenure in Business and Management, Communications, Computer Science, Geology, and History.

Greenlining also acknowledges that the UC proposal boldly states that it will “address from the outset issues of social and environmental justice for disadvantaged communities.”¹³ However, Greenlining doubts that UC has the capacity to carry out its most basic missions due to its dismal rate of representation of Latinos and African-Americans. For example, one of its stated missions is to “[i]dentify and support researchers at all of the UC campuses and laboratories who can make a contribution to solving real problems related to energy, climate change, and quality of life.”¹⁴ Greenlining’s fear is that the UC system has an insufficient pool of diverse faculty from which to identify these researchers. Among all new faculty appointments at the UC in 2006, only two percent of these appointments (five people in total) were African-

¹⁰ *Id.* at 3, 7.

¹¹ Comments of the California Institute of Technology (Cal Tech) on the Order Instituting Rulemaking to Consider Establishing the California Institute for Climate Solutions, November 2, 2007 at 5.

¹² *Id.* at 1.

¹³ OIR at 4.

¹⁴ *Id.*

Americans and a paltry five percent (16 total in total) were Chicano or Latino.¹⁵ Between fall of 2002 and spring of 2005, the following departments did not grant tenure to a *single* African-American, Latino or Native American faculty member at *any* of the UC campuses: Business and Management, Communications, Computer Science, Geology, and History.¹⁶ All math and engineering departments *combined* on *all* UC campuses appointed tenure to only *two* African-American, Latino or Native Americans over this three-year span, out of a total of 102 tenure appointments.¹⁷

C. No Science Pipeline

The track record for tenure appointments at UC physical science departments were just as grim during this same time period – a total of *two* under-represented minority appointments out of a total of 57 appointments.¹⁸ By comparison, the California State University (CSU) system far outpaces the UC system in terms of racial parity among faculty. The percentage of African-American faculty members in the CSU system is double that of the UC system.¹⁹ As the evidence demonstrates, the glass ceiling over the UC system’s underrepresented faculty is formidable. Consequently, identifying a diverse pool of researchers from the UC system that represent California’s demographic makeup will not only be extraordinarily difficult, it may not even be feasible.

Another one of CICS’ lofty missions is to “[e]ducate and train a new generation of researchers and public officials to alter the direction of their research and contribute to achieving

¹⁵ <http://statfinder.ucop.edu>.

¹⁶ “UC Tenured Faculty, New Appointments 2002-03 to 2005-06,” University of California Office of the President, Sept. 2007.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ <http://statfinder.ucop.edu>.

a vision of a sustainable future.”²⁰ However, finding the next generation of researchers and public officials from California’s underrepresented communities will likely be an extraordinarily difficult task for the UC system. Among all undergraduates in the UC system in 2006, only 17 percent were either Black, Latino or Native American even though 44 percent of California’s high school graduates were Black, Latino or Native American.²¹ In contrast, 35 percent of the undergraduates in the CSU system were either Black, Latino or Native American.²² Out of the more than 35,000 freshmen entering the UC in fall 2006, only three percent were African-American and only seven percent were Chicano or Latino.²³ Among the 4,800 freshmen enrollees at the University of California, Los Angeles (UCLA) in fall 2006, only 96 were African-American students.²⁴ Of these 96 African-American students, a mere 18 were African-American males not on athletic scholarships.²⁵

D. Board of Regents Finds Lack of Diversity

The Diversity Study Group, charged by the Board of Regents to examine diversity in the UC system, concluded in September 2007 that “at virtually every level – from undergraduate, graduate and professional school students to postdoctoral researchers to faculty and staff – African-Americans, Native Americans, Chicano-Latinos and, in many cases, women are not represented in sufficient numbers.”²⁶ Despite this finding, the Board of Regents only made vague commitments that showed no urgency at all to address this crisis. The lack of alarm

²⁰ OIR Appendix at 4.

²¹ “Undergraduate Enrollment for Black, Latino and Native Americans, 1992-2006,” California Post-Secondary Education Commission.

²² “Application, Admissions and Enrollment of California Resident Freshmen for Fall 1995 through 2006,” University of California Office of the President. Fall 2007.

²³ <http://statfinder.ucop.edu>.

²⁴ Letter from Janina Montero, Vice Chancellor – Student Affairs at UCLA, to Robert Gnaizda, June 21, 2006.

²⁵ *Id.*

²⁶ “Overview to the Regents,” Study Group on University Diversity, September 2007 at 5.

among the UC Board of Regents amid such dire findings demonstrates that the UC system's leadership may have given up on UC's proud legacy of diversity and social progress.

E. Poor Supplier Diversity Record

UC has failed despite requests over the last decade from Greenlining to provide transparent data on supplier diversity. The data available, however, shows that on many UC campuses less than one percent of the contracts are afforded to African-American owned businesses and less than two percent to Latino and Asian owned businesses. Overall, it appears that all the major regulated utilities have a supplier diversity record that is 5-10 times better than UC. Greenlining intends to make additional efforts to secure UC's transparency with supplier diversity.

At all levels and by every measure, the UC system fails to represent the diversity of this state. Although Greenlining recognizes that government constraints limit the UC from fully maximizing on its ability to garner a diverse representation, it is apparent that the UC system has failed to achieve such diversity while other major public institutions in California have demonstrated that diversity is not only possible, but achievable. As such, the UC system must demonstrate how it will recommit to representing California's constituency as a prerequisite to proving that it can sufficiently serve this constituency through CICS.

III. CSU'S VANGUARD OF CALIFORNIA'S DIVERSITY IS A MODEL FOR CICS LEADERSHIP

A. CSU Exhibits Capacity and Commitment to Provide Access to California's Underserved

"The California State University is the largest, the most diverse, and one of the most affordable university systems in the country."²⁷ Each year, CSU awards more than half of all the

²⁷ Opening Comments of the California State University on the Order Instituting Rulemaking to Consider Establishing the California Institute for Climate Solutions, November 2, 2007 at 2.

bachelor's degrees and a third of all the master's degrees in the state of California.²⁸ CSU is also responsible for about half of all engineering degrees awarded in this state.²⁹

Not to be outdone by the sheer volume of CSU graduates in the state is the incredible service it provides to California's underserved communities. The majority of its 420,000 students are students of color, many of whom are economically disadvantaged and "come from groups historically underrepresented in science, technology, engineering, and mathematics."³⁰ It is the "gateway institution" for students who are the "first in their family to participate in higher education."³¹ As mentioned above, CSU graduates make up more than 60 percent of all California teachers, which is equivalent to 1 out of every 10 teachers in the country.³² This means that "engagement of the CSU in CICS will result in rapid dissemination within the K-12 system of research results obtained through the coordinated CICS research programs."³³

CSU is in the business of meeting the needs of California's minority-majority population. Its record of achievement, not only as a gateway institution for the underserved, but also as a reinforcer of the California's K-12 pipeline is clearly head and shoulders above the efforts of the UC system. Consequently, Greenlining wholly agrees with CSU that it is "poised to make dramatic contributions to the CICS."³⁴

CSU's proven ability to institutionalize its commitment to diversity will make CSU's involvement in CICS crucial to its success. Without CSU's direct involvement over the institute, CICS will probably be unable to become the unique environmental organization that it needs to

²⁸ *Id.* at 3.

²⁹ *Id.*

³⁰ *Id.*.

³¹ *Id.* at 2, 3.

³² *Id.* at 4.

³³ *Id.*

³⁴ *Id.* at 5.

be. Greenlining, thus, supports CSU's assertion that the approval of CICS should be made "contingent on CSU active leadership and engagement as all levels of the oversight and implementation of CICS."³⁵ Otherwise, CICS may be doomed because a myriad of other research institutions that are already doing what CICS proposes to do will make CICS duplicative and unnecessary.

B. Impact on Diverse Constituencies Will Distinguish CICS from the Myriad of Other Research Institutions Already in Existence

If CICS fails to become an organization that focuses its efforts towards the underserved, CICS would only be performing the work that dozens of other institutes in California already perform. This is supported by the fact that Stanford University (Stanford), UC's most enthusiastic supporter for CICS, emphasizes many of the different organizations that are already doing what CICS proposes to do. At Stanford alone, "there are six major research institutions that have such capability and are conducting research programs to address problems of global climate change," including the Woods Institute, Global Climate and Energy Project, Precourt Institute for Energy Efficiency, Energy Modeling Forum, Program on Energy and Sustainable Development, and the Hoover Institution.³⁶ Stanford even goes out of its way to point out there are several such groups within the UC system, including the "UC Energy Institute, UC Davis Energy Efficiency Center, Helios Program at Lawrence Berkeley Lab, Transportation Sustainability Research Center, Biosciences Institute at UC Berkeley, Environmental Energy Technologies, Division of the Lawrence National Laboratory, and the UCLA Institute for the

³⁵ *Id.* at 2.

³⁶ Opening Comments on Stanford University on the Rulemaking to Consider Establishing California Institute for Climate Solutions, November 2, 2007, at 4.

Environment.”³⁷ Stanford underscores these facilities “only to name a few” of the UC climate studies facilities and institutions that already exist.³⁸

All four utilities submitting comments in this proceeding were perplexed as to what unique aspect CICS would contribute to the campaign against climate change. PG&E states there are “many risks for overlap and duplication with other R&D programs.”³⁹ SCE seems to indicate that there are so many risks for overlap that great “care must be taken so as not to duplicate the efforts of other reputable research programs.”⁴⁰ SCE goes on to identify that the California Air Resources Board, Air Quality Management District, California Energy Commission, Federal Environmental Protection Agency (EPA), and the California EPA are among the “many other organizations and governmental agencies that are ‘identifying and helping to design a broad set of policies that target critical carbon-intensive sectors of California economy.’”⁴¹ SDG&E adds that Scripps Institute for Oceanography, National Institute for Global Environmental Change, Renewable And Appropriate Energy Laboratory, PIER program, Climate Action Team to the already long list of “established facilities in place doing research on various topics focusing on climate change and emissions control.”⁴² PacifiCorp sums up the sentiment of the utility companies by emphasizing that “there are numerous research institutions, both within other

³⁷ *Id.* at 9.

³⁸ *Id.* at 9.

³⁹ Opening Comments of Pacific Gas & Electric Company (U39E) on Proposed California Institute for Climate Solutions, November 2, 2007, at 15.

⁴⁰ Opening Comments of Southern California Edison Company (U333-E) on Order Instituting Rulemaking to Consider Establishing California Institute for Climate Solutions, November 2, 2007, at 5.

⁴¹ *Id.*

⁴² Opening Comments of San Diego Gas and Electric Company (U902M) and Southern California Gas Company (U904G) on Order Instituting Rulemaking to Consider Establishing California Institute for Climate Solutions, November 2, 2007, at 4-5.

universities across the United States and elsewhere, as well as private institutions that are engaged in significant research and development efforts to reduce GHG emissions.”⁴³

While the utilities are supportive of the concept of studying climate change, they do not support the establishment of CICS because it is another redundant agency. Greenlining believes that CICS would serve a unique role if it focused its efforts on the impact and inclusion of California’s diverse communities in the study of climate change. Rather than reinventing the wheel, as the UC proposal urges this Commission to do, CICS should rather continue the work left unfinished by the CSI proceeding – namely, making sure that the state’s underserved are finally given the chance to substantively participate in the California Green Revolution. If UC expresses that this is too difficult to do, Greenlining urges this Commission to do two things:

- 1) remind UC that one of this Commission’s central tenets is to promote and foster the diversity of California; and
- 2) consider CSU, with its exemplary record of leadership, to take the helm of CICS.

Despite the difficulty in refocusing CICS’ vision to representing and protecting California’s diverse and underserved communities, UC has unequivocally stated throughout its Opening Comments that “We are committed to responding to any issues identified as part of these proceedings, and prepared to make further revisions as appropriate.”⁴⁴ As exhaustively demonstrated by the utilities, responding and making revisions towards this end is not only appropriate, it is necessary.

⁴³ Comments of PacifiCorp (U901E) on Establishing the California Institute for Climate Solutions, November 2, 2007, at 4.

⁴⁴ Opening Comments of the University of California on the Rulemaking to Consider Establishing the California Institute for Climate Solutions, November 2, 2007, at 4.

C. UC Should Adhere to the Consensus that Ratepayers Should Not be Responsible for the Bulk of the \$600 Million

As is, the current UC proposal threatens to waste \$600 million in ratepayer funds to establish an unexceptional entity that will surely duplicate and overlap with the work of dozens, if not hundreds, of other environmental and climate change institutes already in existence in this state. If this Commission does decide to go forward in establishing a redundant state institution, it should not burden California's ratepayers to do so.

DRA, TURN and the Consumer Federation of California all say that ratepayers should not pay a dime for CICS. Three of the utilities participating in this proceeding state that ratepayers should not be the sole bearers of the funding imposed by CICS' burden.

Greenlining believes that if ratepayers are burdened with CICS in its current form, most of the burden should be borne by the shareholders of the investor owned utility companies (IOUs). The utilities would likely realize most of the direct benefits from the research provided by the establishment of CICS, and thus, shareholders should provide at least 70 percent of the funding.

A better alternative, proposed by many of the parties, is to fund CICS through private funds or through legislation. Obtaining private funding for a timely issue such as climate change, promulgated by a world class academic institution would probably be relatively easy to acquire from corporations, who would benefit from any research. If private funds or legislation cannot be secured, funding to establish an unimaginative and unremarkable CICS should largely be borne by IOU shareholders.

D. Hearings are Necessary to Ensure CICS Benefits All Californians

Greenlining urges that before ratepayers are burdened with an unremarkable CICS that only serves to perpetuate the exclusion of California's underserved communities, this

Commission should hold public hearings on the matter. Since CICS is aimed at benefiting all Californians, this Commission would benefit from hearings that seek to garner the opinions and support of California's citizens. Greenlining thus advises that at least two hearings be held at each of the service areas of the three major utility companies – Pacific Gas & Electric (PG&E), Southern California Edison (SCE), and San Diego Gas & Electric (SDG&E). If such hearings were called, Greenlining will be prepared to aid this Commission in giving notice to the public.

As stated in its Opening Comments, Greenlining also emphasizes that evidentiary hearings are necessary in this proceeding to examine the leadership responsibilities of UC and its commitment to diversity in order to assess the fitness of UC to lead an entity designed to benefit all Californians.

IV. CONCLUSION

For the reasons stated above, Greenlining respectfully requests that this Commission's final decision implement the recommendations set forth above, and that the Commission call for public and evidentiary hearings.

Dated: November 19, 2007

Respectfully submitted,

/s/ Robert Gnaizda

Robert Gnaizda

The Greenlining Institute

/s/ Samuel S. Kang

Samuel S. Kang

The Greenlining Institute

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VERIFICATION

I, Samuel Kang, am a representative of the Greenlining Institute and am authorized to make this verification on the organization's behalf. The statements in the forgoing document are true to the best of my knowledge, except for those matters that are stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the forgoing is true and correct.

Executed this 19th day of November, 2007, at Berkeley, CA.

/s/ Samuel Kang

Samuel Kang
Legal Counsel
Greenlining Institute
1918 University Ave. 2nd floor
Berkeley, CA 94704

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CERTIFICATE OF SERVICE

I, Alexis Carroll, am 18 years of age or older and a non-party to the within proceeding. I am a resident and citizen of the State of California with a business address at the Greenlining Institute, 1918 University Avenue, Second Floor, Berkeley, CA 94704 and telephone number 510-926-4001.

On November 19, 2007 I caused the following document:

**REPLY COMMENTS OF THE GREENLINING INSTITUTE
ON THE ORDER INSTITUTING RULEMAKING TO CONSIDER ESTABLISHING
CALIFORNIA INSTITUTE FOR CLIMATE SOLUTIONS**

to be served upon all interested parties of record in R. 07-09-008 named in the official service list via e-mail to those whose e-mail address is listed in the official service list and via first class mail to those whose e-mail address is not available.

I certify that the foregoing is true and correct.

Executed in Berkeley, California November 19, 2007.

/s/ Alexis Carroll

Alexis Carroll

Parties

DONALD GILLIGAN
PRESIDENT
NATIONAL ASSOCIATION OF ENERGY SERVICE
610 MOUNTAIN STREET
SHARON, MA 02067

CHRISTOPHER HILEN
ASSISTANT GENERAL COUNSEL
SIERRA PACIFIC POWER COMPANY
6100 NEIL ROAD
RENO, NV 89511

NORMAN A. PEDERSEN
ATTORNEY
HANNA AND MORTON LLP
444 SOUTH FLOWER ST. SUITE 1500
LOS ANGELES, CA 90071-2916

DR. RANDOLPH W. HALL
UNIVERSITY OF SOUTHERN CALIFORNIA
300 BOVARD UNIVERSITY PARK CAMPUS
LOS ANGELES, CA 90089-4019

ELIZABETH L. AMBOS
ASSISTANT VICE CHANCELLOR
CALIFORNIA STATE UNIVERSITY
401 GOLDEN SHORE
LONG BEACH, CA 90802

PROF. DAVID RUTLEDGE
DIVISION CHAIR, ENGINEERING AND APP. SCI
CALIFORNIA INSTITUTE OF TECHNOLOGY
102 THOMAS, 104-44
PASADENA, CA 91125

DANIEL W. DOUGLASS
ATTORNEY AT LAW
DOUGLASS & LIDDELL
21700 OXNARD STREET, SUITE 1030
WOODLAND HILLS, CA 91367

AMBER E. DEAN
SOUTHERN CALIFORNIA EDISON COMPANY
LAW DEPARTMENT
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

CASE ADMINISTRATION
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. PO BOX 800
ROSEMEAD, CA 91770

HOWARD GOLLAY
SOUTHERN CALIFORNIA EDISON
2244 WALNUT GROVE AVE
ROSEMEAD, CA 91770

LAURA GENAO
ATTORNEY AT LAW
SOUTHERN CALIFORNIA EDISON COMPANY
LAW DEPARTMENT
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA 91770

SUSAN HACKWOOD
EXECUTIVE DIRECTOR
CALIFORNIA COUNCIL ON SCIENCE AND TECH
5005 LA MART DRIVE, STE 105
RIVERSIDE, CA 92507

TAM HUNT
ENERGY PROGRAM DIRECTOR/ATTORNEY
COMMUNITY ENVIRONMENTAL COUNCIL
26 W. ANAPAMU
SANTA BARBARA, CA 93101

DEVRA WANG
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET, 20TH FLOOR
SAN FRANCISCO, CA 94104

EVELYN KAHL
ATTORNEY AT LAW
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO, CA 94104

BRIAN CRAGG
ATTORNEY AT LAW
GOODIN, MAC BRIDE, SQUERI, RITCHIE & DAY
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111

IRENE K. MOOSEN
ATTORNEY AT LAW
53 SANTA YNEZ AVENUE
SAN FRANCISCO, CA 94112

MICHAEL ALCANTAR
ATTORNEY AT LAW
ALCANTAR & KAHL LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO, CA 94114

CHRISTOPHER WARNER
ESQ.
PACIFIC GAS AND ELECTRIC COMPANY
LAW DEPARTMENT
B30A, PO BOX 770000
SAN FRANCISCO, CA 94177

JAMES L. SWEENEY
DIR. PRECOURT INST. FOR ENERGY EFFICIENC
STANFORD UNIVERSITY
TERMAN ENGINEERING CENTER, ROOM 459
380 PANAMA MALL
STANFORD, CA 94305

ANN M. ARVIN, MD
VICE PROVOST AND DEAN OF RESEARCH
STANFORD UNIVERSITY
BUILDING 10, MAIN QUADRANGLE
STANFORD, CA 94305-0977

LARRY HORTON
SENIOR V.P. FOR PUBLIC AFFAIRS
STANFORD UNIVERSITY
BUILDING 170, FIRST FLOOR
STANFORD, CA 94305-2040

ALEXIS K. WODTKE
STAFF ATTORNEY
CONSUMER FEDERATION OF CALIFORNIA
520 S. EL CAMINO REAL, STE. 340
SAN MATEO, CA 94402

PETER W. HANSCHEN
ATTORNEY AT LAW
MORRISON & FOERSTER LLP
101 YGNACIO VALLEY ROAD, SUITE 450
WALNUT CREEK, CA 94596

LLOYD C. LEE
ATTORNEY AT LAW
UNIVERSITY OF CALIFORNIA GENERAL COUNSEL
1111 FRANKLIN STREET 8TH FLOOR
OAKLAND, CA 94607

SAMUEL S. KANG
LEGAL COUNSEL
1918 UNIVERSITY AVE. 2ND FLOOR
BERKELEY, CA 94704

THALIA N.C. GONZALEZ
ATTORNEY AT LAW
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVENUE, 2ND FLOOR
BERKELEY, CA 94704

EDWARD VINE
LAWRENCE BERKELEY NATIONAL LABORATORY
BUILDING 90R4000
BERKELEY, CA 94720

FRANK TENG
ENVIRONMENT AND ENERGY ASSOCIATE
SILICON VALLEY LEADERSHIP GROUP
224 AIRPORT PARKWAY, SUITE 620
SAN JOSE, CA 95110

AUDRA HARTMANN
DYNEGY INC.
980 NINTH STREET, SUITE 1420
SACRAMENTO, CA 95814

VIRGIL WELCH
STAFF ATTORNEY
ENVIRONMENTAL DEFENSE
1107 9TH STREET, SUITE 540
SACRAMENTO, CA 95814

RONALD LIEBERT
ATTORNEY AT LAW
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO, CA 95833

RYAN L. FLYNN
PACIFICORP
825 NE MULTNOMAH, 18TH FLOOR
PORTLAND, OR 97232

Information Only

CYNTHIA A. FONNER
SENIOR COUNSEL
CONSTELLATION ENERGY GROUP INC
550 W. WASHINGTON ST, STE 300
CHICAGO, IL 60661

GARY HINNERS
RELIANT ENERGY, INC.
PO BOX 148
HOUSTON, TX 77001-0148

GARY A. HINNERS
RELIANT ENERGY
1000 MAIN STREET
HOUSTON, TX 77002

BRIAN MCQUOWN
RELIANT ENERGY
7251 AMIGO ST., SUITE 120
LAS VEGAS, NV 89119

ELENA MELLO
SIERRA PACIFIC POWER COMPANY
6100 NEIL ROAD
RENO, NV 89520

LEILANI JOHNSON KOWAL
LOS ANGELES DEPT. OF WATER & POWER
111 NORTH HOPE STREET, SUITE 1536
LOS ANGELES, CA 90012

ROBERT L. PETTINATO
LOS ANGELES DEPARTMENT OF WATER & POWER
111 NORTH HOPE STREET, SUITE 1151
LOS ANGELES, CA 90012

DEAN A. KINPORTS
SAN DIEGO GAS AND ELECTRIC
555 W. 5TH STREET, GT14D6
LOS ANGELES, CA 90013

RASHA PRINCE
SAN DIEGO GAS & ELECTRIC
555 WEST 5TH STREET, GT14D6
LOS ANGELES, CA 90013

ALANA STEELE
ATTORNEY AT LAW
HANNA AND MORTON, LLP
444 SOUTH FLOWER STREET, SUITE 1500
LOS ANGELES, CA 90071-2916

DR. MARK ALLEN BERNSTEIN
UNIVERSITY OF SOUTHERN CALIFORNIA
VKC 327 UNIVERSITY PARK CAMPUS
LOS ANGELES, CA 90089-0044

ERIC KLINKNER
PASADENA DEPARTMENT OF WATER AND POWER
150 LOS ROBLES AVENUE, SUITE 200
PASADENA, CA 91101-2437

REN ZHANG
PASADENA DEPARTMENT OF WATER & POWER
45 EAST GLENARM STREET
PASADENA, CA 91105

STEVE ENDO
PASADENA DEPARTMENT OF WATER & POWER
45 EAST GLENARM STREET
PASADENA, CA 91105

HALL P. DAILY
AVP OF GOVERNMENT AND COMMUNITY RELAT.
CALIFORNIA INSTITUTE OF TECHNOLOGY
MAIL CODE 2-9
PASADENA, CA 91125

STEVEN G. LINS
GENERAL COUNSEL
GLENDALE WATER AND POWER
613 EAST BROADWAY, SUITE 220
GLENDALE, CA 91206-4394

BRUNO JEIDER
BURBANK WATER & POWER
164 WEST MAGNOLIA BLVD.
BURBANK, CA 91502

RICHARD J. MORILLO
PO BOX 6459
BURBANK, CA 91510-6459

DON LIDDELL
ATTORNEY AT LAW
DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO, CA 92103

YVONNE GROSS
REGULATORY POLICY MANAGER
SEMPRA ENERGY
HQ08C
101 ASH STREET
SAN DIEGO, CA 92103

KIM KIENER
504 CATALINA BLVD
SAN DIEGO, CA 92106

DESPINA NIEHAUS
SAN DIEGO GAS AND ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32H
SAN DIEGO, CA 92123-1530

JEFFREY M. GARBER
GENERAL COUNSEL
IMPERIAL IRRIGATION DISTRICT
333 EAST BARIONI BOULEVARD
IMPERIAL, CA 92251

MICHAEL E. CAMPBELL
INTERIM GENERAL MANAGER
IMPERIAL IRRIGATION DISTRICT
333 EAST BARIONI BOULEVARD
IMPERIAL, CA 92251

GEORGE DEHART
CITY OF ANAHEIM
200 SOUTH ANAHEIM BOULEVARD
ANAHEIM, CA 92805

STEVEN SCIORTINO
CITY OF ANAHEIM
200 SOUTH ANAHEIM BOULEVARD
ANAHEIM, CA 92805

AUDREY CHANG
STAFF SCIENTIST
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET, 20TH FLOOR
SAN FRANCISCO, CA 94104

KAREN TERRANOVA
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, STE 2200
SAN FRANCISCO, CA 94104

LEAH FLETCHER
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET 20TH FLR
SAN FRANCISCO, CA 94104

NORA SHERIFF
ATTORNEY AT LAW
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO, CA 94104

SHERYL CARTER
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET, 20TH FLOOR
SAN FRANCISCO, CA 94104

STEVE MCCOY-THOMPSON
NEXANT INC
101 SECOND ST. 10TH FLR
SAN FRANCISCO, CA 94105

SUSAN H. MAC CORMAC
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105

VALERIE WINN
PROJECT MANAGER
PACIFIC GAS & ELECTRIC
77 BEALE STREET, B9A
SAN FRANCISCO, CA 94105

WILLIAM H. CHEN
DIRECTOR, ENERGY POLICY WEST REGION
CONSTELLATION NEW ENERGY, INC.
SPEAR TOWER, 36TH FLOOR
ONE MARKET STREET
SAN FRANCISCO, CA 94105

ANNE W. KUYKENDALL
FOLGER LEVIN & KAHN LLP
EMBARCADERO CENTER WEST
275 BATTERY STREET, 23RD FLOOR
SAN FRANCISCO, CA 94111

JANINE L. SCANCARELLI
ATTORNEY AT LAW
FOLGER, LEVIN & KAHN, LLP
275 BATTERY STREET, 23RD FLOOR
SAN FRANCISCO, CA 94111

JOSEPH F. WIEDMAN
ATTORNEY AT LAW
GOODIN MACBRIDE SQUERI DAY & LAMPREY LLP
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA 94111

MARTIN A. MATTES
ATTORNEY AT LAW
NOSSAMAN GUTHNER KNOX & ELLIOTT, LLP
50 CALIFORNIA STREET, 34TH FLOOR
SAN FRANCISCO, CA 94111-4799

ANDREW L. HARRIS
PACIFIC GAS & ELECTRIC COMPANY
PO BOX 770000 MAIL CODE B9A
SAN FRANCISCO, CA 94177

BIANCA BOWMAN
PACIFIC GAS AND ELECTRIC COMPANY
PG&E MAIL CODE B9A
PO BOX 770000
SAN FRANCISCO, CA 94177

ED LUCHA
CASE COORDINATOR
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, MAIL CODE B9A
SAN FRANCISCO, CA 94177

KATE BEARDSLEY
PG&E
MAILCODE B9A
PO BOX 770000
SAN FRANCISCO, CA 94177

MEREDITH ALLEN
PACIFIC GAS AND ELECTRIC
PO BOX 770000 MAILCODE B10C
SAN FRANCISCO, CA 94177

SEBASTIAN CSAPO
PACIFIC GAS AND ELECTRIC COMPANY
MAIL CODE B9A
PO BOX 770000
SAN FRANCISCO, CA 94177

ELLEN R. AURITI
EXEC. DIR., RESEARCH POLICY AND LEGISLAT
UNIV. OF CALIF. OFFICE OF THE PRESIDENT
1111 FRANKLIN STREET
OAKLAND, CA 94607

JODY S. LONDON
JODY LONDON CONSULTING
PO BOX 3629
OAKLAND, CA 94609

MRW & ASSOCIATES, INC.
1814 FRANKLIN STREET, SUITE 720
OAKLAND, CA 94612

CLIFF CHEN
UNION OF CONCERNED SCIENTISTS
2397 SHATTUCK AVENUE, SUITE 203
BERKELEY, CA 94704

JESSE W. RASKIN
LEGAL ASSOCIATE
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVENUE, 2ND FLOOR
BERKELEY, CA 94704

ROBERT GNAIZDA
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVE., 2/F
BERKELEY, CA 94704

MARCIA W. BECK
LAWRENCE BERKELEY NATIONAL LABORATORY
MS 90-90R3027D
1 CYCLOTRON ROAD
BERKELEY, CA 94720

KAREN NOTSUND
ASSISTANT DIRECTOR
UC ENERGY INSTITUTE
2547 CHANNING WAY 5180
BERKELEY, CA 94720-5180

LYNN ALEXANDER
LMA CONSULTING
129 REDWOOD AVENUE
CORTE MADERA, CA 94925

C. SUSIE BERLIN
ATTORNEY AT LAW
MC CARTHY & BERLIN, LLP
100 PARK CENTER PLAZA, SUITE 501
SAN JOSE, CA 95113

JAMES WEIL
DIRECTOR
AGLET CONSUMER ALLIANCE
PO BOX 37
COOL, CA 95614

ANDREW BROWN
ATTORNEY AT LAW
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA 95811

SUSAN L. FISCHER, PH.D.
AIR RESOURCES BOARD, RESEARCH DIVISION
1001 I ST., PO BOX 2815
SACRAMENTO, CA 95812

BRUCE MCLAUGHLIN
BRAUN & BLAISING, P.C.
915 L STREET, SUITE 1270
SACRAMENTO, CA 95814

CATHY REHEIS-BOYD
CHIEF OPERATING OFFICER
WESTERN STATES PETROLEUM ASSOCIATION
1415 L STREET, SUITE 600
SACRAMENTO, CA 95814

CHANGUS JONATHAN
LEGISLATIVE DIRECTOR
OFFICE OF ASSEMBLY MEMBER BLAKESLEE
STATE CAPITOL, ROOM 4117
SACRAMENTO, CA 95814

DOUGLAS K. KERNER
ATTORNEY AT LAW
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA 95814

EDWARD RANDOLPH
ASM LEVINE'S OFFICE
ASSEMBLY COMMITTEE/UTILITIES AND COMMERC
STATE CAPITOL ROOM 5135
SACRAMENTO, CA 95814

JANE E. LUCKHARDT
ATTORNEY AT LAW
DOWNEY BRAND LLP
555 CAPITOL MALL, 10TH FLOOR
SACRAMENTO, CA 95814

JEFFREY D. HARRIS

VERONICA VILLALOBOS

ATTORNEY AT LAW
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA 95814

UNIVERSITY OF SOUTHERN CALIFORNIA
1800 I STREET
SACRAMENTO, CA 95814

WILLIAM W. WESTERFIELD III
ELLISON SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA 95814

LYNN M. HAUG
ATTORNEY AT LAW
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA 95814-3512

ELIZABETH WESTBY
ATTORNEY AT LAW
ALCANTAR & KAHL, LLP
1300 SW FIFTH AVE., SUITE 1750
PORTLAND, OR 97201

CATHIE ALLEN
CA STATE MGR.
PACIFICORP
825 NE MULTNOMAH STREET, SUITE 2000
PORTLAND, OR 97232

KYLE L. DAVIS
PACIFICORP
825 NE MULTNOMAH ST., SUITE 2000
PORTLAND, OR 97232

State Service

BETH MOORE
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY RESOURCES & PRICING BRANCH
ROOM 4103
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

CAROL A. BROWN
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5103
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

CHRISTINE S. TAM
CALIF PUBLIC UTILITIES COMMISSION
ELECTRICITY RESOURCES & PRICING BRANCH
ROOM 4209
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JACLYN MARKS
CALIF PUBLIC UTILITIES COMMISSION
EXECUTIVE DIVISION
ROOM 5306
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

JANET A. ECONOME
CALIF PUBLIC UTILITIES COMMISSION
DIVISION OF ADMINISTRATIVE LAW JUDGES
ROOM 5116
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

MARION PELEO
CALIF PUBLIC UTILITIES COMMISSION
LEGAL DIVISION
ROOM 4107
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SACHU CONSTANTINE
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

SCOTT MURTISHAW
CALIF PUBLIC UTILITIES COMMISSION
ENERGY DIVISION
AREA 4-A
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3214

CLARE LAUFENBERG
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET, MS 46
SACRAMENTO, CA 95814